

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR. JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 13167 of 2004

Between:

M.S.Baig, S/o.Mirza Shareef Baig, aged 43 years, Occ:Driver of APSRTC,
E.No.99528, Rajendranagar Depot, Hyderabad, R/o.H.No.18-2-60/52, Falaknuma,
Dr.Ambedkarnagar, Hyderabad.

..... PETITIONER

AND

Depot Manager, A.P.S.R.T.C. Rajendranagar Depot, Hyderabad

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or directions particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing suspension order No.M1/535(26)/2004-RJNR dated 09-07-2004 is an inhuman action without taking sympathy on the petitioner whose own uncle death message was received by the CI/RJNR and the same message was passed to the petitioner while on duty through a driver by name S.M.Salauddin E.76582 of RJNR Depot and also given message that petitioner's wife was admitted in hospital due to the shock of seeing dead body. The Petitioner who became upset after receiving message about the sudden death of his own uncle and the unconsciousness of his wife. The passengers who boarded in bus at Himayatsagar for Koti was insisting to operate service upto Koti considering their emergency and the CI/RJNR advised to cancel trip of 13.00 hrs to come depot, under such circumstances without cancellation of last trip, the petitioner given his charge to his 2nd shift permanent service driver for 6/2 of the same bus

The Court made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.13167 OF 2004

ORDER:

The petitioner is a driver of the respondent-A.P. State Road Transport Corporation. He was kept under suspension by the respondent through Order No. M1/535(26)/2004-RJNR, dated 09.07.2004 pending enquiry against him. It is the inherent power of the employer to place an employee under suspension pending departmental enquiry. The petitioner, if he is in a position to place sufficient material to convince the respondent the circumstances under which he conducted himself, it is for the respondent to consider his request for revocation of the suspension order. The petitioner is, therefore, at liberty to make an application to the respondent explaining the circumstances and making a request to revoke the suspension. On making such application, the respondent is directed to pass appropriate orders within ten (10) days from the date of receipt of such application.

The Writ Petition is accordingly disposed of at the stage of admission. No order as to costs.

(DR.G.YETHIRAJULU,J)

Date: 29th July, 2004.

Cs

NOTE:

Issue CC in two days.

(B/O)

cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Depot Manager, A.P.S.R.T.C., Rajendranagar Depot,
Hyderabad.

2.Two C.D. copies.